

**REMARKS**

Reconsideration of this application, in view of the foregoing amendment and the following remarks, is respectfully requested.

Claims 1-114 were originally presented for consideration in this application. Claims 16-31 and 89-114 are withdrawn from consideration as being non-elected in response to a requirement for restriction. Claims 16-31, 33, 34, 60-64, 69-83 and 88-114 have been canceled. Accordingly, claims 1-15, 32, 35-59, 65-68 and 84-87 are currently pending in this application.

The examiner's indication that claims 1-15, 37-59, 65-68 and 84-86 are allowed, and that claims 34 and 35 contain allowable subject matter, is noted with appreciation. The limitations of allowable claim 34 have been added to independent claim 33 above, and so it may now be seen that claim 33 and its dependents are in condition for allowance.

The following rejections and objections were set forth in the Office Action:

1. The drawings are objected to for failure to show every feature of the invention specified in the claims;
2. Claims 74-82 are rejected under 35 USC §112 as lacking enablement in the specification;
3. Claims 32, 33 and 36 are rejected under 35 USC §102 as being anticipated by U.S. Patent No. 5,839,508 to Tubel, et al.; and
4. Claims 70, 71, 83 and 87 are rejected under 35 USC §102 as being anticipated by U.S. Patent No. 6,504,258 to Schultz, et al.

To expedite prosecution of the application, claims 74-82 have been canceled above. The objection to the drawings and the rejections of claims 74-82 as lacking enablement are thus moot.


Also in order to expedite prosecution of the application, claims 70, 71 and 83 have been canceled above. The anticipation rejections of these claims are thus moot.

Regarding the anticipation rejection of claim 87, please note that this claim has been amended above to make it clear that the displacement of the vibrating assembly is initiated in response to producing strain in the electromagnetically active material. Schultz does not describe initiating displacement of a vibrating assembly by producing strain in an electromagnetically active material. Instead, in Schultz these actions (initiation of displacement and production of strain) occur simultaneously, with the strain being caused by the displacement. Claim 87 requires the opposite causal relationship. Therefore, claim 87 is not anticipated by Schultz, and withdrawal of the rejection of claim 87 is respectfully requested.

In view of the foregoing amendment and remarks, all of the claims pending in this application are now seen to be in a condition for allowance. A Notice of Allowance of claims 1-15, 32, 35-59, 65-68 and 84-87 is therefore earnestly solicited.

The examiner is hereby requested to telephone the undersigned attorney of record at (972) 516-0030 if such would expedite the prosecution of the application.

Respectfully submitted,  
SMITH IP SERVICES, P.C.

A handwritten signature in black ink, appearing to read "Marlin R. Smith". The signature is fluid and cursive, with the first name "Marlin" being more prominent than the last name "Smith".

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